

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BOARD OF TRUSTEES OF THE)	
AUTOMOBILE MECHANICS' LOCAL NO. 701)	
UNION AND INDUSTRY PENSION FUND,)	CASE NO. 12-CV-4565
)	
Plaintiff,)	JUDGE: NORGLE
vs.)	
)	MAGISTRATE JUDGE: NOLAN
ULT SERVICES L.P. f/k/a UNITED)	
LIFT TRUCK L.P., an Illinois Limited Partnership,)	
And UNITED LIFT TRUCK, INC., an Illinois)	
Corporation,)	
)	
Defendants.)	

PLAINTIFF'S MOTION FOR JUDGMENT IN SUM CERTAIN

NOW COMES the Plaintiff, BOARD OF TRUSTEES OF THE AUTOMOBILE MECHANICS' LOCAL NO. 701 UNION AND INDUSTRY PENSION FUND, by and through its attorneys, JOHNSON & KROL, LLC, moves this Honorable Court for entry of Judgment in Sum Certain in favor of the Plaintiff and against the Defendants ULT SERVICES, L.P. f/k/a UNITED LIFT TRUCK, L.P. ("ULT LP") and UNITED LIFT TRUCK, INC. ("ULT INC."), jointly and severally, and in support states as follows:

1. On August 23, 2012, the Plaintiff filed their First Amended Complaint seeking a judgment for unpaid quarterly withdrawal liability installments, liquidated damages, interest and attorney's fees and costs pursuant to 29 U.S.C. §1399. (Docket Entry No. 30). (Docket Entry No. 28).
2. On September 20, 2012, the Plaintiff filed its Second Motion for Judgment on the Pleadings. (Docket Entry No. 30).

3. On May 15, 2013, this Honorable Court granted the Plaintiff's Second Motion for Judgment on the Pleadings. (Docket Entry No. 38).
4. However, the Court's Order did not enter judgment in sum certain because the quarterly installments outstanding at the time of the judgment was not known by the court. (Docket Entry No. 38).
5. As of May 22, 2013, the Defendants ULT LP and ULT INC. have failed to submit eight (8) quarterly installments required by the Plaintiff's Notice and Demand for Withdrawal Liability. *See* Exhibit 2 to the Plaintiff's First Amended Complaint (Docket Entry No. 28-2) (setting forth the quarterly installment schedule).
6. As of May 22, 2013, the Defendants ULT LP and ULT INC. owe a total of \$819,172.32 in unpaid quarterly installments, statutory interest and liquidated damages, as follows:

Quarterly Installment:	Due Date:	Payment Amount:	Statutory Interest (3.25% APR):	Liquidated Damages:
1	7/1/2011	\$90,320.00	\$5,731.67	\$9,032.00
2	10/1/2011	\$90,320.00	\$4,948.05	\$9,032.00
3	1/1/2012	\$90,320.00	\$4,170.83	\$9,032.00
4	4/1/2012	\$90,320.00	\$3,408.29	\$9,032.00
5	7/1/2012	\$90,320.00	\$2,651.90	\$9,032.00
6	10/1/2012	\$90,320.00	\$1,893.40	\$9,032.00
7	1/1/2013	\$90,320.00	\$1,141.10	\$9,032.00
8	4/1/2013	\$90,320.00	\$411.08	\$9,032.00
	Totals:	\$722,560.00	\$24,356.32	\$72,256.00
	Grand Total:	\$819,172.32		

(Affidavit of Steven Bukovac is attached as Exhibit 1).

7. Defendants ULT LP and ULT INC. are liable to the Plaintiff for all attorney's fees and costs expended in collecting the withdrawal liability in the amount of \$27,668.36

pursuant to the Collective Bargaining Agreement, Pension Fund Trust Agreement and 29 U.S.C. § 1451(e). (Affidavit of Attorney's Fees is attached as Exhibit 2).

8. A proposed Final Judgment Order has been provided to the Court.

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court enter a Judgment in Sum Certain in the aggregate amount of \$846,840.68 and grant the Plaintiff other relief that this Honorable Court deems to be just and equitable.

Respectfully Submitted,

**BOARD OF TRUSTEES OF THE
AUTOMOBILE MECHANICS' LOCAL NO.
701 UNION AND INDUSTRY PENSION FUND**

/s/ Jeffrey A. Krol – 6300262
One of Plaintiff's Attorneys

Joseph E. Mallon
Jeffrey A. Krol
JOHNSON & KROL, LLC
300 South Wacker Drive, Suite 1313
Chicago, Illinois 60606
312-372-8587